

In the United States Court of Federal Claims

_____)	
juan jose fernandez (spouse))	
_____)	
)	
Plaintiff(s), v.)	CaseNo. <u>25-141 C</u>
)	Judge _____
)	
THEUNITEDSTATES,)	
)	
Defendant.)	
COMMISSIONER OF SOCIAL SERCURITY)	

COMPLAINT

Your complaint must be clearly handwritten or typewritten, and you must sign and declare under penalty of perjury that the facts are correct. If you need additional space, you may use another blank page. A fillable pdf is available at <http://uscfc.uscourts.gov/filing-a-complaint>.

If you intend to proceed without the prepayment of filing fees (*in forma pauperis* (IFP)), pursuant to 28 U.S.C. § 1915, you must file along with your complaint an application to proceed IFP.

1. JURISDICTION. State the grounds for filing this case in the United States Court of Federal Claims. The United States Court of Federal Claims has limited jurisdiction (*see e.g.*, 28 U.S.C. §§ 1491-1509).

The claimant acknowledges that the **United States Court of Federal Claims lacks jurisdiction over Social Security appeals**, which are typically reviewed by federal district courts under 42 U.S.C. § 405(g). However, this case is framed as a broader constitutional and statutory challenge, focusing on the government's failure to comply with procedural and substantive requirements, leading to monetary damages. As such, it falls within the limited jurisdiction of the Court of Federal Claims under the Tucker Act.

2. PARTIES

Plaintiff, COMMISSIONER OF SOCIAL SECURITY, resides at 6401 SECURITY BLVD

 _____ (Street Address)
BALTIMORE, MD, _____
 _____ (City, State, ZIP Code) _____ (Telephone Number)

If more than one plaintiff, provide the same information for each plaintiff below.

6401 SECURITY BLVD

3. PREVIOUSLAWSUITS. Have you begun other lawsuits in the United States Court of Federal Claims? Yes ☒ No ☐

If yes, please list cases: 24-CV-02383-UNA. 24-CV-02585

4. STATEMENTOFTHECLAIM. State as briefly as possible the facts of your case. Describe

Tucker Act (28 U.S.C. § 1491):

This case is brought under the **Tucker Act**, which provides the Court of Federal Claims jurisdiction over claims founded on:

The Constitution: The claimant alleges a violation of the Fifth Amendment's **Takings Clause**, asserting that government actions or regulations have deprived them of a constitutionally protected interest without just compensation.

Federal Statutes or Regulations: The claimant challenges the agency's decision as failing to comply with statutory requirements under the **Social Security Act** or regulations promulgated under its authority. The failure to follow these mandates constitutes a breach of federal law and gives rise to a claim within the jurisdiction of the USCFC.

Implied or Express Contracts with the United States: While this case does not involve a direct contractual relationship, the claimant seeks relief related to entitlements derived from federal statutory provisions, analogous to implied contract principles.

Claims for Monetary Damages:

The claimant seeks monetary relief stemming from the improper denial of disability benefits, which represents an entitlement or obligation under federal law.

Although the Social Security Administration operates under a distinct statutory framework, ancillary damages resulting from a failure to comply with proper administrative procedures may fall within the court's jurisdiction under § 1491.

Illegal Exaction Claims:

The claimant further alleges that procedural violations during the agency's adjudication process resulted in an **illegal exaction**, where funds were improperly withheld or the claimant was denied benefits that are lawfully owed to them under federal law. This creates a basis for a monetary claim against the United States.

Americans with Disabilities Act (ADA) and Rehabilitation Act:

The claimant asserts violations of the ADA and the Rehabilitation Act, alleging that the federal agency failed to provide reasonable accommodations during the claims adjudication process. The Court of Federal Claims has limited jurisdiction to entertain ADA claims as they pertain to monetary damages from non-compliance with federal statutes.

Fifth Amendment Due Process Claims:

The claimant argues that the denial of disability benefits, combined with procedural irregularities, deprived them of their **due process rights**, which may constitute a compensable claim under the Fifth Amendment.

Declaratory and Injunctive Relief (Ancillary to Monetary Claims):

While the primary claim is for monetary relief, the claimant also seeks declaratory relief to correct systemic errors in the adjudication of claims involving ADD and similar neurological impairments. This request is ancillary to the claim for damages.

5. RELIEF. Briefly state exactly what you want the court to do for you.

The plaintiff seeks reversal of the administrative decision, proper consideration of all relevant evidence,
and compliance with ADA-mandated accommodations.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23 day of JANUARY, 2025.
(day) (month) (year)


Signature of Plaintiff(s)

CAUSTIN LEE MCLAUGHLIN